

09.02.2026
Sl. No. 17
g.b.
Court No.15

W.P.A. 28388 of 2025

Aabu Sale Muchha Jahanggir Fanki & Ors.
Vs-
The State of West Bengal & Ors.

Mr. Muhammad Obaid
.....For the Petitioners
Mr. Tapas Kr. Roy
....For the State

The petitioners allege unauthorized construction at the behest of respondent nos. 9, 10, and 11. It is alleged that such construction has been undertaken without obtaining any permission from the Panchayat Authority.

Learned counsel for the petitioners refers to a communication issued by the concerned Gram Panchayat dated December 19, 2025, to contend that there is no sanctioned plan for the alleged construction.

Learned counsel has not annexed any photographs of the alleged unauthorized construction. However, learned counsel for the petitioners submits that a two-storied structure is already in existence on the relevant plot of land.

The petitioner, being a neighboring landholder, consciously permitted the construction to proceed and to be completed in his full view without raising any contemporaneous objection. Having allowed such construction to continue and having approached this Court only after completion of the building, the petitioner cannot now contend that the construction was carried out without a sanctioned plan.

Such conduct squarely attracts the well-established principles of delay, acquiescence, and lack of bona fides. The writ jurisdiction under Article 226 of the Constitution, being discretionary and grounded in equitable considerations, cannot be invoked to revive a right that the petitioner has clearly forfeited.

In the aforesaid circumstances, this Court is not inclined to exercise its discretionary writ jurisdiction.

Accordingly, **WPA 28388 of 2025** is dismissed.

(Kausik Chanda, J.)